

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY TAIPEI

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E.O. 11652: N/A

TAGS: EIND, TW

SUBJECT: ROC GENERAL CENSUS ON TRADEMARKS

REFERENCE: (A) KYLE LETTER TO NING, JUNE 14, 1975

(B) NING LETTER TO KYLE, JULY 8, 1975

(C) TAIPEI 4356

1. THE NUMEROUS OBLIQUE RESPONSES IN NATIONAL BUREAU OF STANDARDS DIRECTOR NING'S REPLY TO ECONOMIC COUNSELOR'S LETTER OF JUNE 14 CONSTITUTE AN IMPLICIT DENIAL OF SOME OF THE PREVIOUSLY AGREED MODIFICATIONS/CLARIFICATIONS OF THE CENSUS QUESTIONNAIRE. WITH RESPECT TO SPECIFIC CONCESSIONS REQUESTED, OUR READING OF CURRENT REQUIREMENTS FOR RESPONDENTS TO THE QUESTIONNAIRE IS AS FOLLOWS:

2. QUESTIONS 10 THROUGH 14 MUST BE ANSWERED (BY LAW A LEGALLY RESPONSIBLE REPRESENTATIVE MUST BE DESIGNATED) UNLESS THE TRADEMARK IS REGISTERED IN THE NAME OF AN INDIVIDUAL.

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3. QUESTION 16. NON-USE OF A REGISTERED TRADEMARK DOES

NOT CONSTITUTE CAUSE FOR CANCELLATION IF JUSTIFIABLE
CAUSE FOR NON-USE CAN BE SHOWN.

4. QUESTIONS 19 AND 21-35 WOULD APPEAR TO REQUIRE RE-
SPONSES.

5. QUESTION 37. A NOTARIZED COPY OF THE REGISTRATION
CERTIFICATE MAY BE SUBMITTED IN LIEU OF THE ORIGINAL
SUBJECT TO CALL-UP OF THE LATTER FOR CORRECTIONS.

6. AN EXTENSION OF THE FILING DEADLINE WILL BE GRANTED
UPON REQUEST IF THE RESPONDENT CAN SHOW GOOD CAUSE WHY
THE ORIGINAL DATE CANNOT BE MET.

7. THE QUESTIONNAIRE, IF ANSWERED IN ENGLISH, MUST BE
ACCOMPANIED BY A CHINESE TRANSLATION.

8. BEARING IN MIND THE CONSIDERATION MENTIONED PARA 3
REFTEL C, WE PROPOSE TO REQUEST ONLY A FEW ADDITIONAL COM-
PROMISES FROM NING. WE BELIEVE THAT THE APPLICATION
OF QUESTION 15 (WORLD-WIDE) AND QUESTIONS 16, 17, AND
20 (RESTRICTED TO TAIWAN) SHOULD BE MADE EXPLICIT TO
PREVENT CONFUSION ON THE PART OF RESPONDENTS. SUB-
MISSION OF INFORMATION REQUESTED IN QUESTIONS 19 AND 21-
35 SHOULD BE MADE VOLUNTARY ACCORDING TO THE CONDITIONS
STATED IN REFERENCE A. INFORMATION ON FOREIGN REGISTRA-
TIONS (QUESTION 19) HAS NO RELEVANCE TO THE VALIDITY OF
A MARK IN THE ROC AND IS COMMERCIALY SENSITIVE FOR COM-
PETITIVE REASONS. DISCLOSURE OF EXPERIENCE REGARDING
INFRINGEMENTS (QUESTIONS 21-35), ESPECIALLY OUTSIDE THE
ROC, COULD BECOME AVAILABLE TO POTENTIAL INFRINGERS TO
THE DETRIMENT OF THE TRADEMARK OWNER.

9. ACTION REQUESTED: WE REQUEST THAT YOU APPROACH NING
FOR A CLARIFICATION OF THE APPLICATION OF QUESTIONS
15, 16, 17 AND 20 AND SEEK HIS AGREEMENT TO THE VOLUN-
TARY SUBMISSION OF THE INFORMATION REQUESTED IN QUESTIONS
19 AND 21-35. TAKING INTO ACCOUNT NING'S RESPONSE,
WE WOULD APPRECIATE YOUR CONFIRMATION THAT OUR READING
OF THE CURRENT REQUIREMENTS FOR QUESTIONNAIRE RESPONDENTS
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(PARAS 2-8 ABOVE) IS CORRECT AS WE WISH TO TRANSMIT THIS
INFORMATION TO THE US TRADEMARK ASSOCIATION (USTA) ASAP.
FYI: PRIOR TO RECEIPT OF NING'S LETTER, USTA PUBLISHED,
WITH APPROPRIATE CAVEATS REGARDING ITS PRELIMINARY NA-
TURE, A BULLETIN CONTAINING INFORMATION ON THE CONCESSIONS
OBTAINED BY THE EMBASSY AND DR. BRUCE BILLINGS. USTA
NOW WISHES TO ISSUE A CLARIFYING BULLETIN- KISSINGER

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